

FILED

JUL 12 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 11-00325 SBA (DMR)
Plaintiff,)	
v.)	DETENTION ORDER
KAMAISHAY N. CARTER,)	
Defendant.)	

I. DETENTION ORDER

Defendant Kamaishay Carter is charged in an indictment with a violation of 18 U.S.C. § 922(g)(1) (felon in possession of a firearm and ammunition). Mr. Carter made his initial appearance on July 7, 2011, at which time the United States moved for Mr. Carter's detention and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Defendant did not request a full bail study at this time. Pretrial Services did, however, prepare a criminal record report. At the July 12, 2011 hearing before this Court, Defendant waived the timing of his right to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses, to cross-

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1 examine adverse witnesses, and to present information by proffer or otherwise), and retained his
2 right to raise any additional relevant information at a later hearing. The Court notes that
3 Defendant is subject to a state parole hold.

4 After considering the limited information available to the Court, and the factors set forth
5 in 18 U.S.C. § 3142(g), the Court detains Mr. Carter as a serious risk of flight and finds that no
6 condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his
7 appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d
8 1403, 1406 (9th Cir. 1985).

9 II. CONCLUSION

10 The Court detains Mr. Carter as a serious flight risk. Because Defendant waived his right
11 to present information under 18 U.S.C. § 3142(f) without prejudice to raising relevant
12 information at a later hearing, the Court orders that the hearing may be reopened at Defendant's
13 request at any future time.

14 Mr. Carter shall remain committed to the custody of the Attorney General for
15 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or
16 serving sentences or being held in custody pending appeal. Defendant shall be afforded
17 reasonable opportunity for private consultation with counsel. On order of a court of the United
18 States or on request of an attorney for the Government, the person in charge of the corrections
19 facility in which Defendant is confined shall deliver Defendant to a United States marshal for the
20 purpose of an appearance in connection with a court proceeding.

21 IT IS SO ORDERED.

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24 DATED: July 12, 2011



25 DONNA M. RYU
26 United States Magistrate Judge
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